

1 Ronald L. Richman, SBN 139189
2 Susan J. Olson, SBN 152467
3 Edward D. Winchester, SBN 271500
BULLIVANT HOUSER BAILEY PC
3 235 Pine Street, Suite 1500
4 San Francisco, California 94104-2752
5 Telephone: 415.352.2700
Facsimile: 415.352.2701
6 E-Mail: ron.richman@bullivant.com
susan.olson@bullivant.com
edward.winchester@bullivant.com

7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 BOARD OF TRUSTEES OF THE CEMENT
12 MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
13 BOARD OF TRUSTEES OF THE CEMENT
MASONS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
14 BOARD OF TRUSTEES OF THE CEMENT
MASONS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; BOARD OF
16 TRUSTEES OF THE CEMENT MASONS
TRAINING TRUST FUND FOR NORTHERN
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 C. APARICIO, CEMENT CONTRACTOR,
INC., a California corporation,

22 Defendant.

Case No.: 3:15-cv-04132-TEH
Related Case: 3:15-cv-04131-TEH

**CASE MANAGEMENT CONFERENCE
STATEMENT; ORDER THEREON**

Date: December 14, 2015
Time: 1:30 p.m.
Ctroom: 12, 19th Floor

Hon. Thelton E. Henderson

23 Plaintiffs Cement Masons Trust Funds provide the following case management
24 statement.

25 On September 10, 2015, Plaintiffs filed their Complaint for Damages for Breach of
26 Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, and for a
27 Mandatory Injunction (“Complaint”) [Document 1]. On September 15, 2015, this case was
28 assigned to the Honorable Vince Chhabria [Document 6]. On September 16, 2015, Plaintiffs

1 filed their Administrative Motion to Relate Cases [Document 8]. On September 23, 2015, this
2 Court granted the motion and related this case to *Board of Trustees of the Laborers Health and*
3 *Welfare Trust Fund for Northern California, et al., v. C. Aparicio, Cement Contractor, Inc.*, 15-
4 cv-0431-TEH [Document 9].

5 On October 14, 2015, defendant was duly served with the summons and complaint and
6 all corresponding pleadings [Document 14]. Defendant failed to file a responsive pleading. On
7 November 13, 2015, the clerk of court entered the default of defendant [Documents 18-19].

8 Plaintiffs Cement Masons Trust Funds intend to have their motion for default judgment¹
9 on file with this Court within the next forty five (45) days.

10 Based on the fact that this action is proceeding in default, Plaintiffs Cement Masons
11 Trust Funds respectfully request that the case management conference be continued for forty-
12 five (45) days to allow Plaintiffs Cement Masons Trust Funds time to file their motion for
13 default judgment.

14 DATED: December 7, 2015

15 BULLIVANT HOUSER BAILEY PC

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By /s/ Ronald L. Richman
Ronald L. Richman

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Attorneys for Plaintiffs

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¹ Motions for default judgment will be filed in both related cases.

ORDER

Based on the Plaintiffs Cement Masons Trust Funds' request to continue the case management conference and good cause appearing,

IT IS HEREBY ORDERED that the December 14, 2015 case management conference be continued to February 1, 2016 at 1:30 p.m., Courtroom 12, 19th Floor. If Plaintiffs Cement Masons Trust Funds have their motion for default judgment on file prior to the continued case management conference, the case management conference shall be vacated.

DATED: December 8, 2015

By: Thelton E. Henderson
HON. THERLTON E. HENDERSON
UNITED STATES DISTRICT JUDGE

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